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Florida at center of Supreme Court ban on juvenile life sentences

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CHARLES DHARAPAK / STF

Justice Sonia Sotomayor takes questions during her confirmation hearings.

Calling the practice "cruel and unusual punishment," the U.S. Supreme Court Monday banned the sentencing of teenagers to life without parole for crimes other than murder -- a decision that offers the hope of redemption to 77 Floridians who otherwise would die in prison.

In a 6-3 decision in a Florida case, the high court said that, in light of evolving standards of decency, jailing a juvenile for the rest of his life is excessive punishment when the offender did not commit murder.

"The inadequacy of penological theory to justify life without parole sentences for juvenile nonhomicide offenders, the limited culpability of such offenders, and the severity of these sentences all lead the Court to conclude that the sentencing practice at issue is cruel and unusual," the opinion said.

Florida judges have imposed the lion's share of juvenile life sentences without parole, accounting for 77 of 129 such sentences nationwide, according to research by the high court and Paolo Annino, a professor at Florida State University's Public Interest Law Center who has been researching juvenile lifers for more than a decade.

Of the 77, eight were sentenced in Miami-Dade, and another eight were sentenced in Broward.

"None of us are the same people we were as teenagers," said Miami-Dade Public Defender Carlos Martinez. "This court's decision is consistent with well-established research that a teen's brain is not as developed as an adult's and that teens have a greater capacity for rehabilitation over time. When it comes to children, sentencing should not be irrevocable."

Said Broward Public Defender Howard Finkelstein: "The Supreme Court could not be more right. . . . It defies any sense of proportionality and fairness for a child to be sent to prison for life without parole for anything short of killing another human being."

The ruling was written by Justice Anthony Kennedy and signed by Justices John Paul Stevens, Ruth Bader Ginsburg, Stephen Breyer and Sonia Sotomayor.

Chief Justice John Roberts wrote a separate opinion in which he concurred with the court's judgment, but disagreed with the decision to enact a "categorical" ban on life without parole for non-murderers. Justices Clarence Thomas, Antonin Scalia and Samuel Alito dissented.

Though the high court did not base its decision on what judges do in other countries, Kennedy noted that the practice of jailing adolescents for life for non-homicides is "a sentencing practice rejected the world over."

The ruling stops short of guaranteeing teenagers serving life sentences release at some point. Instead, it requires judges to provide "some meaningful opportunity for release based on demonstrated maturity and rehabilitation. It is for the state, in the first instance, to explore the means and mechanisms for compliance."

The high court's decision said that life sentences going forward are just fine, as long as the state has a means by which defendants can, in theory, earn earlier release -- through mechanisms such as parole.

Florida no longer grants parole, though some other states do.

Abe Laeser, a former prosecutor who worked 36 years at the Miami-Dade State Attorney's Office, rising to chief assistant, said the ruling most likely will have little impact on inmates already serving life. "I think the practical effect is to set up a process that entitles an inmate to a hearing, but not necessarily to release."

He said the ruling will have a greater impact in the future than on inmates already serving life. "The ultimate effect will be on sentencing judges" who will have to sentence teens to a specific term short of a life sentence, he said.

Though 37 states, the District of Columbia and the federal government permit a life sentence without parole for juveniles with non-homicide convictions, judges in only 10 states have ever imposed such a sentence -- and in three states, only once, said FSU's Annino.

"It is clear how rare these sentences are, even within the states that do sometimes impose them," the opinion says.

Monday's ruling was the most recent in a line of decisions that broadened and interpreted the Constitution's Eighth Amendment ban on cruel and unusual punishment, forbidding punishments that were deemed to be "disproportionate" to the crime.

Included in this line of decisions are bans on capital punishment for offenders who committed their crimes before age 18, and for children and adults who suffer from mental retardation.

In his dissent, Thomas dismissed as "entirely the Court's creation" the test of whether a punishment is proportionate to the crime.

Thomas vindicated the wisdom of state judges, juries and legislators, whom, he wrote, reserved life without parole for a "category of offenders" so irredeemable as to warrant a life behind bars.

"I am unwilling to assume that we, as members of this Court, are any more capable of making such moral judgments than our fellow citizens," he wrote.

In a short concurring opinion addressed specifically to Thomas -- who long has maintained that the Constitution is not amenable to evolution -- Stevens insisted that "standards of decency have evolved since 1980. They will never stop." Ginsburg and Sotomayor joined Stevens in the two-paragraph opinion.

"Society changes. Knowledge accumulates. We learn, sometimes from our mistakes. Punishments that did not seem cruel and unusual at one time may, in the light of reason and experience, be found cruel and unusual at a later time," the opinion says.

Monday's ruling came in the case of Terrance Jamar Graham, a Jacksonville man who, at 17, committed a home-invasion robbery six months after receiving probation for another robbery in which a restaurant owner was beaten.

Both of Graham's parents were crack addicts, and Graham had begun to drink and abuse drugs while in elementary school.

Though the high court acknowledged that Graham "posed an immediate risk" to his community, based upon the increasing violence of his actions, "it does not follow that he would be a risk to society for the rest of his life," Kennedy wrote.

"This is a huge victory, not only for the kids condemned to die in prison, but for all children," said Bryan Stevenson, an attorney for the Equal Justice Initiative in Alabama who represented Graham and another man, Joe Sullivan, who was 13 when he was sentenced to life for a rape conviction.

Miami Herald staff writer James Burnett contributed to this report.

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